

**United States Army Corps of Engineers  
Albuquerque District**

**Finding of No Significant Impact  
Section 593 Water Resources Development Act  
Installation of Arsenic Treatment Facilities  
Bernalillo, Sandoval County, New Mexico**

The U.S. Army Corps of Engineers (Corps), Albuquerque District, in cooperation with and at the request of the Town of Bernalillo, New Mexico, is planning a project that would provide arsenic treatment facilities to two municipal water wells. The construction work would be conducted under Section 593 of the Water Resources Development Act of 1999 (Public Law 106-53; 33 U.S.C. 2201 *et seq.*), as amended. The Act authorizes the Corps to provide assistance for design and construction for water-related environmental infrastructure and resource protection and development projects in Idaho, Montana, rural Nevada, New Mexico, and rural Utah. The Act requires that a cooperative agreement be established between the Federal and non-Federal interests. In general, the Federal share of project costs under each cooperative agreement is 75 percent of the total project costs. The proposed construction period is approximately eight months and is expected to start in July 2007. The proposed project would serve approximately 7,000 residents. The total estimated construction cost for this proposed project is \$3.6 million. The non-Federal cost share is approximately \$900,000. The Federal cost share is approximately \$2,700,000.

HDR Company performed an Environmental Assessment titled, "Arsenic Treatment Facilities, Bernalillo, New Mexico", dated June 2007. Within the environmental review guidelines of the Council of Environmental Quality found at 40 Code of Federal Regulations (CFR) Part 1506, it states in Section 1506.3, paragraph (a),

"An agency may adopt a Federal draft or final environmental impact statement or portion thereof provided that the statement or portion thereof meets the standards for an adequate statement under these regulations."

In addition, stated in the Corps Regulations Implementing NEPA (ER-200-2-2), paragraph 21, "A district commander may also adopt another agency's EA/FONSI."

Since the time when HDR Company completed the Environmental Assessment in June 2007, no changes have occurred to potential impacts or to the scope of work for the proposed project. No changes have occurred to potential impacts to threatened and endangered species. There are currently no sensitive, threatened, or endangered species, critical habitat, or other species with management concerns in the proposed project area. Therefore, the U.S. Army Corps of Engineers (Corps) has adopted HDR Company's environmental assessment and it has been reviewed extensively to determine this Finding of No Significant Impact. Please reference the attached Environmental Assessment.

On January 23, 2001, the U.S. Environmental Protection Agency (USEPA) reduced the drinking water maximum contaminant level (MCL) for arsenic from 50 parts per billion (ppb) to 10 ppb. The new Arsenic Rule applies to all community water systems and non-transient non-

community water systems (40 CFR 141.62(b)). The Arsenic Rule has a significant impact on the State of New Mexico's water systems. New Mexico has a high percentage of igneous geology; and thus, naturally occurring levels of arsenic result in the source water that exceeds the new arsenic MCL. Based upon an evaluation by the New Mexico Environment Department (NMED), 95 water systems in New Mexico (serving a population of 756,000) are affected by the new arsenic MCL (NMED, Drinking Water Bureau, 2004). The Town of Bernalillo water system is one of these systems. The two municipal wells that serve the town have arsenic levels of 23ppb in Well #3 and 11ppb in Well #4.

The proposed project will include the construction of Arsenic Treatment Facilities (ATFs) at two wells that serve the Town of Bernalillo (Wells #3 and #4). Two prefabricated buildings will also be constructed near the existing wells to house these new facilities. The new treatment facilities will be designed to treat 2,100-gpm of municipal drinking water. Both wells will supply water to the treatment system. Wells #3 and #4 were constructed in the early 1990's. Well #3 sits on a 0.76 acre parcel of land located on the southeast side of U.S. Highway 550 (Parcel AA Unit 20 Rio Rancho Estates). This facility consists of a 1.96 million gallon and a 126,000 gallon aboveground storage tank, and a concrete masonry building that houses a well pump and miscellaneous controls. Well #4 sits on a 0.26 acre parcel (BB Unit NO. 20 Rio Rancho Estates). This operations building is of equal size to Well #3. All construction activities will be confined to the already disturbed areas near the existing municipal water wells. Existing paved and graveled roads will be utilized for access to the compounds.

The arsenic treatment system will utilize a state approved treatment technology to remove arsenic to below the MCL of 10 ppb. The Town of Bernalillo conducted an evaluation of treatment technologies in terms of their overall costs and associated environmental impacts. In addition, a cost analysis was performed to evaluate separate versus combined treatment for these wells. Based on the distance between the wells, separate ATFs have been recommended at each well. Based on the above evaluations, it was recommended Electocoagulation/Filtration process be installed to provide the Town of Bernalillo a reliable drinking water supply with safe arsenic levels.

Cultural resources surveys of the project area have been conducted and the investigation has determined that there are no artifacts, archaeological sites, or historic properties within or adjacent to the project area. American Indian Tribes that have indicated they have tribal concerns within Sandoval County have been contacted and no cultural resources concerns have been brought to the attention of the Corps. No traditional cultural properties are known to occur in the vicinity of the project area. Based on the results of the cultural resources investigation, the Corps has determined that there will be "No Historic Properties Affected" by construction of the project. The New Mexico State Historic Preservation Officer has concurred with the Corps determination of no effect.

Best Management Practices that would be employed during construction include the use of silt fences and the use of already paved or graveled roads for access to the compounds.

The potential effects of the proposed action are similar to the no-action alternative, with the caveat that the no-action alternative should be perceived as an environmentally unsound course of action with regard to improving the quality of the Town of Bernalillo's drinking water.

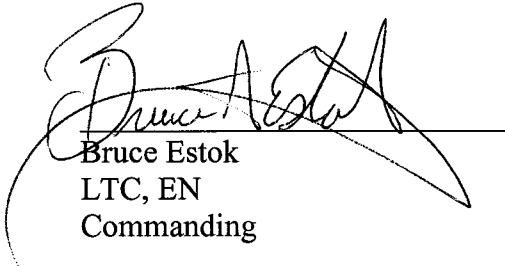
Also, the no-action alternative would not support the Town's efforts to comply with the USEPA's Arsenic Rule.

The Clean Water Act (CWA) provides for the protection of waters and wetlands of the United States from impacts associated with discharges or placement of dredged or fill material in Waters of the U.S., including wetlands, as defined under Section 404 of the CWA. Since no dredged or fill material would be placed within wetlands or other waters of the U.S., a 404 (b)(1) evaluation will not be performed. A 401 water quality certification would not be obtained from the New Mexico Environment Department. Additionally, the project would not require National Pollutant Discharge Elimination System (NPDES) permitting under Section 402 of the Clean Water Act since the total amount of disturbed area is less than one acre. The proposed installation of the arsenic removal equipment would occur outside the floodplain and would not significantly alter any natural feature or use of the area. Therefore, the planned action is consistent with Executive Order 11988 (Floodplain Management). The proposed work complies with Executive Order 11990 (Protection of Wetlands) as no wetlands are within the project area.

Only short-term negligible adverse impacts to land use, soils, air, noise, vegetation, and wildlife, would occur during construction. No impacts would occur to land use (long-term), climate, soils (long-term), air (long-term), wetlands or other waters of the U.S., special status species, floodplains, socioeconomics, environmental justice or cultural resources. Minor beneficial impacts would occur to human health and safety. The proposed project would not result in any moderate or significant, short-term, long-term, or cumulative adverse effects.

The planned action has been fully coordinated with federal, state, tribal, and local agencies with jurisdiction over the ecological, cultural, and hydrological resources of the project area. Based upon these factors and others discussed in detail in the Environmental Assessment, the planned action would not have a significant effect on the human environment. Therefore, an Environment Impact Statement will not be prepared for the proposed construction of the arsenic treatment facilities.

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Date

  
Bruce Estok  
LTC, EN  
Commanding